

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 16th day of December, 2013 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Adan Chapa Mayor
 Phillip Hyatt Mayor Pro Tem
 Billy Ellis Council Member
 Vickie Abrego Council Member
 Ramiro Gomez Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Allen Lawrence City Attorney
 Sylvia Carrillo City Manager
 Yvonne Stonebraker City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Amanda Torres Administrative Assistant
 Eric Blanchard Chief of Police
 Michael Holmes Building Official
 Donna Cox Finance Director
 Jeff Martin IT Director
 Rick Kilgore Fire Chief

OTHERS PRESENT: Ernie & Olivia Torres, Donald & Jeanie Brummett, Grace Chapa, Annita West, Debbi LeGros/Aflac, Mrs. Nick Mirkovich, Ann Melton, Cecil Robles, Kristi Clark/Tristeam LTD, Rosemary Vega, Stacey Durham

There may have been others present who did not sign in.

1. **CALL MEETING TO ORDER.**

Mayor Chapa called the meeting to order at 7:04 PM.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Chapa gave the Invocation and led the Pledge of Allegiance to the United States Flag.

3. **CONSENT AGENDA – “ALL OF THE FOLLOWING ITEMS ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED WITH ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCILMEMBER SO REQUESTS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY”.**

- A. Consider and Act on Minutes of December 2, 2013.
- B. Consider and Act on Ordinance No. 2013-4056 – An ordinance amending the City of Aransas Pass Code of Ordinances by adding Article VI “Aggressive Solicitation” to Chapter 21 – Peddlers of the Code of Ordinances; providing a repealer clause; and, providing for an effective date.
- C. Consider and Act on Ordinance No. 2013-4057 - An ordinance of the City of Aransas Pass, Texas enacting residence location restrictions on registered sex offenders within the city, establishing an offense, providing for exceptions for residence locations established prior to enactment of this section, and providing a penalty for a violations of the section; and providing for an effective date.
- D. Consider and Act on Ordinance No. 2013-4058 – An Ordinance amending the City of

Aransas Pass Code of Ordinances by adding Article VII to Chapter 28 – Traffic, said addition to be titled “Cell Phone Use Prohibited”; providing a repealer clause; and, providing for an effective date.

Motion Made By: Council member Ellis

Seconded By: Mayor Pro Tem Hyatt

Votes: Aye – Abrego, Hyatt, Ellis, Gomez, Chapa

Nay:

Discussion:

Motion made to accept consent agenda as written and the motion carried unanimously.

4. **CONSIDER AND ACT ON APPOINTING A REPRESENTATIVE TO THE SAN PATRICIO COUNTY APPRAISAL BOARD.**

Motion Made By: Council member Abrego

Seconded By: Council member Gomez

Votes: Aye – Abrego, Hyatt, Ellis, Gomez, Chapa

Nay:

Discussion:

City Manager Carrillo explained that the City was allocated 152 votes for the Council to use as it saw fit. Council member Abrego asked who currently represented the City on the board. City Manager Carrillo responded that Frank Hamenter was the representative. Mayor Chapa suggested that votes should be evenly allocated among all five candidates: John Curlee, Frank Hametner, Dr. Anne Matula, Dalia Sanchez and Bill Wilson. The remaining votes would be given to Dalia Sanchez. Motion was made to evenly allocate votes among the five candidates and give the remaining votes to Dalia Sanchez and the motion carried unanimously.

5. **CONSIDER AND ACT ON CANCELING THE REQUEST FOR PROPOSAL FOR SUPPLEMENTAL INSURANCE.**

Motion Made By: Mayor Pro Tem Hyatt

Seconded By: Council member Abrego

Votes: Aye – Abrego, Hyatt, Ellis, Gomez, Chapa

Nay:

Discussion:

City Manager Carrillo stated that the City posted a Request for Proposals for Supplemental insurance. Aflac Insurance did not submit a bid. However, unsatisfactory information was given by the competing supplemental insurance companies. City Manager Carrillo recommended that the Council cancel the RFP and continue with Aflac. Motion was made to cancel the RFP for Supplemental Insurance and continue with Aflac and the motion carried unanimously.

6. **CONSIDER AND ACT ON A CONTRACT WITH TRISTEM UTILITY BILL AUDIT SERVICES.**

Motion Made By: Mayor Pro Tem Hyatt

Seconded By: Council member Abrego

Votes: Aye – Abrego, Hyatt, Ellis, Gomez, Chapa

Nay:

Discussion:

City Manager Carrillo said the company worked with municipalities to try and find discrepancies in their utility bills. Kristi Clark from TriStem Utility Bill Audit Services gave a presentation of her company's services. She stated that fees were only charged if monies were recouped for the City.

TriStem has helped many cities across Texas, including local municipalities such as Alice and Portland, find discrepancies. If money is recouped, the company receives 49% of the recoveries. A discount is offered for TCAP members of 45%. The utility bill audit takes

around four to five months, and the company strives to keep all municipality-vendor relationships friendly.

Council member Abrego asked Ms. Clark how often the company would provide updates. Ms. Clark responded that a structure audit update would be given every 90 days, and the City would be immediately notified if anything was found.

Mayor Chapa asked if the audit only searched back six years. Ms. Clark responded that if discrepancies were found beyond that, then the company would search through more archived years. Mayor Pro Tem Hyatt asked how long it would take to receive a refund if monies were found. Ms. Clark responded that it usually took around eight months.

Motion was made to accept the contract with TriStem Utility Bill Audit Services and the motion carried unanimously.

7. **CONSIDER AND ACT ON THE CITY OF ARANSAS PASS E-911 BUDGET AND UPGRADING CONTRACT BETWEEN THE ARANSAS PASS POLICE DEPARTMENT AND AT&T TO INCLUDE MORE DATA BANDWIDTH ALLOTMENT FOR MOBILE OPERATIONS. (AT&T CONTRACT WILL BE FUNDED THROUGH E-911 FUND)**

Motion Made By: Mayor Pro Tem Hyatt
Seconded By: Council member Ellis
Votes: Aye – Abrego, Hyatt, Ellis, Gomez, Chapa
Nay:

Discussion:

Chief Blanchard explained that while the amount was an increase, the increase was within the budgeted amount for that line item. Motion was made to approve the contract between the Aransas Pass Police Department and AT&T and the motion carried unanimously.

Chief Blanchard and Finance Director Cox explained that the motion should also mention the E-911 budget that the funds would be coming from. Motion was amended to include the E-911 budget and the amended motion carried unanimously.

8. **CONSIDER AND ACT ON APPROVING CURRENT ARANSAS PASS POLICE DEPARTMENT AGREEMENTS AND AUTHORIZING CHIEF OF POLICE TO SUSTAIN THESE AGREEMENTS IN PERPETUITY AS REQUIRED AND AS BUDGETED FROM YEAR TO YEAR. (CRIMES RMS SOFTWARE; LEXIPOL POLICY SYSTEM; LEXINGTON PLACE EDW MOU; SAN PATRICIO COUNTY LIVESCAN COOPERATIVE; 3SI SERVICES; DEA COOPERATIVE AGREEMENT; ATF ETRACE; TRAVIS TANIGUCHI, PHD BODY CAM RESEARCH; CARE REGIONAL MEDICAL SCREENS; TEEN CONNECTIONS SERVICES; CRIME VICTIMS SERVICES; CRIMES REMOTE BACKUP; LEADS ONLINE; GOODYEAR TIRES COMMERCIAL CREDIT; GANSLE PSYCHOLOGY SERVICES; SAN PATRICIO COUNTY JUVENILE PROBATION (DETENTION APPROVAL); LANGUAGE LINE TRANSLATION SERVICES; BAY COFFEE SERVICES; LAW ENFORCEMENT ALLIANCE PROJECT LEAP (WEBSITE SERVICE); TEXAS DPS LIVESCAN FINGERPRINTING SYSTEM; FAST PRINTS SERVICE THROUGH TEXAS DPS; NUECES COUNTY MOU LIVESCAN HANDLING; PORT OF CORPUS CHRISTI PD MOU; NDEX (WEBSITE SERVICE); NUECES COUNTY FORFEITURE AGREEMENT; OPEN DNS/UMBRELLA NETWORK SECURITY AND WEB FILTERING; RENE BATES AUCTIONEERS; TLO PUBLIC DATA SERVICE; TEXAS DPS TXGANG; VERIZON T1 LINE FOR 911 SYSTEM; WOMEN'S SHELTER MOU; DELCARMEN SERVICES FOR RACIAL PROFILING AUDIT; SERVICE AGREEMENT NETMOTION CJIS APPROVED VPN; NETMOTION 2FA SECURITY MODULE AND SERVICE AGREEMENT; DELL COMPUTERS INITIAL MAINTENANCE AGREEMENTS FOR SYSTEMS UPGRADE; TASER AXON CAMERAS AND EVIDENCE.COM SERVICE AGREEMENT; GOOGLE APPS FOR GOVERNMENT; CITRIX MAINTENANCE AGREEMENT; COASTAL BEND CHILDREN'S ADVOCACY CENTER MOU; CRIMEREPORT.COM SERVICE AGREEMENT; BRAZOSTECH TICKET WRITER SERVICE AGREEMENT; TCOLE/TCLEDDS SERVICE AGREEMENT; CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY CTRMA TOLL AGREEMENT (PD & FD); N.E. TEXAS REGIONAL MOBILITY AUTHORITY NTRMA TOLL AGREEMENT (PD & FD); TXDOT'S TXTAG TOLL AGREEMENT (PD & FD); HARRIS COUNTY TOLL ROAD AUTHORITY HCTRA TOLL AGREEMENT PD & FD); CAMERON COUNTY REGIONAL MOBILITY AUTHORITY CCRMA TOLL AGREEMENT (PD & FD); NORTH TEXAS TOLLWAY NTTA TOLL AGREEMENT (PD & FD)).**

Motion Made By: Council member Ellis
Seconded By: Council member Abrego
Votes: Aye – Abrego, Hyatt, Ellis, Gomez, Chapa
Nay:

Discussion:

City Manager Carrillo stated that this agenda item was a cleanup item. The police department has a commitment to a multitude of Memorandums of Understanding, and the purpose of the item is to make the Council aware and get its approval.

The City Council had several questions regarding specific MOUs, such as the Women's Shelter, Goodyear Tires, Teen Connection and the Racial Profiling Audit. Chief Blanchard responded that most of the MOUs were already in effect. City Manager Carrillo stated that it was a matter of legality that should be signed off by the Council, and that funding for many of the non-profit organizations in contract with the APPD was dependent on the MOUs. Chief Blanchard added all the items were budgeted items.

Motion was made to approve the current Aransas Pass Police Department agreements and authorizing the Chief of Police to sustain these agreements as required and as budgeted from year to year, and the motion carried unanimously.

9. **CONSIDER AND ACT ON PURCHASING 500 RADIO READ METERS, NEW HAND HELD READER AND CRADLE FROM H.D. SUPPLY USING MONIES FROM WATER AND SEWER BOND FUNDS. (THE CITY OF ARANSAS PASS WILL RECEIVE AN ADDITIONAL READER WITH CRADLE AT NO EXTRA CHARGE.)**

Motion Made By: Council member Abrego
Seconded By: Mayor Pro Tem Hyatt
Votes: Aye – Abrego, Hyatt, Ellis, Gomez, Chapa
Nay:

Discussion:

City Manager Carrillo stated that the purchase was part of the \$44.2 million bond sale. A good provider was found on the BuyBoard, and the City would be purchasing \$105,000 at a time. She stated that the City was fast moving to a less staff intensive process of reading meters.

Mayor Pro Tem Hyatt asked if this would be the last purchase of meters. Finance Director Cox responded that there were still a number of purchases left. City Manager Carrillo added that the radio meters were more accurate.

Motion was made to approve the purchase of 500 radio read meters, new hand held reader and cradle from H.D. Supply using monies from Water and Sewer Bond Funds, and the motion carried unanimously.

10. **CONSIDER AND ACT ON AN AGREEMENT PROVIDING FOR SUBDIVISION REGULATION BY THE CITY OF ARANSAS PASS AND THE COUNTY OF ARANSAS WITHIN EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF ARANSAS PASS.**

Motion Made By: Mayor Pro Tem Hyatt
Seconded By: Council member Ellis
Votes: Aye – Abrego, Hyatt, Ellis, Gomez, Chapa
Nay:

Discussion:

City Manager Carrillo stated that the City was working closer with the counties in which it is located. She explained that there were people building in the county without a building permit. The agreement would require these people to meet building codes. The agreement would be in effect within 45-60 days.

Motion was made to approve the agreement providing for subdivision regulation by the City of Aransas Pass and the County of Aransas within extraterritorial jurisdiction (ETJ) of the City of Aransas Pass, and the motion carried unanimously.

11. **CONSIDER AND ACT ON ADOPTION OF THE 2012 BUILDING CODES.**

Motion Made By: Mayor Pro Tem Hyatt
Seconded By: Council member Ellis
Votes: Aye – Abrego, Hyatt, Ellis, Chapa
Nay: Gomez

Discussion:

Building Official Holmes explained The current City building codes are based on the 2000 I-CODES and the 1999 National Electrical Code (NEC). The proposed amendments to the

current municipal codes include revising the I-CODES to the 2012 version, revising the NEC to the 2011 version, modifying the cost for all permit fees, simplifying the permit calculations for the licensed contractors (i.e., mechanical, electrical and plumbing), deleting ordinances requiring the City to issue “electrical licenses” and have an electrical license review board, adding an annual Fire Inspection Fee previously proposed to the City Council, modifying the electrical ordinance to allow use of aluminum wiring conductors (No. 2 or larger) and adding an additional one (1) foot of “freeboard” to the Flood Damage Prevention municipal code language to be in compliance with the current FEMA map agreements.

Motion was made to adopt the 2012 Building Codes and the motion carried 4-1.

12. **PUBLIC HEARING ON REQUEST OF JAMES AND IRMA TUCKER TO RE-ZONE FROM (R-16) RESIDENTIAL DISTRICT TO (A-2) APARTMENT DWELLING DISTRICT TO BE USED AS A BED AND BREAKFAST. THE PROPERTY IS DESCRIBED, NE ½ LT. 3, BLK. V, BURTON AND DANFORTH S/D 2.19 ACRES. THE PROPERTY IS ZONED (R-16) RESIDENTIAL DISTRICT.**

Motion Made By: N/A

Seconded By: N/A

Votes: Aye - N/A

Nay: N/A

Discussion:

City Attorney Allen Lawrence opened the public hearing at 7:58 p.m. Citizen Ann Melton stated that seven to eight years ago, the property had changed to a bed and breakfast. There were complaints of noise and traffic on the street. She said that she believed that neighbors would support it.

City Manager Carrillo stated that the request for A2 zoning was primarily because of the use and speed limit in a commercial corridor. There was no buyer at that time but the owners planned to use the property as a wedding venue as a marketing tool. She also noted that the zoning would follow the property. Citizen Polly Mirkovich noted that the traffic down the street should be considered.

The public hearing was closed at 8:05 p.m.

13. **CONSIDER AND ACT ON REQUEST OF JAMES AND IRMA TUCKER TO RE-ZONE FROM (R-16) RESIDENTIAL DISTRICT TO (A-2) APARTMENT DWELLING DISTRICT TO BE USED AS A BED AND BREAKFAST. THE PROPERTY IS DESCRIBED, NE ½ LT. 3, BLK. V, BURTON AND DANFORTH S/D 2.19 ACRES. THE PROPERTY IS ZONED (R-16) RESIDENTIAL DISTRICT.**

Motion Made By: Council member Ellis

Seconded By: Council member Abrego

Votes: Aye – Abrego, Hyatt, Ellis, Gomez

Nay: Chapa

Discussion:

Motion was made to deny the request of James and Irma Tucker to re-zone from (R-16) Residential District to (A-2) Apartment Dwelling District and the motion carried unanimously.

14. **CONSIDER AND ACT ON CAPITOL IMPROVEMENT PLANNING WORKSHOP DATES. (DATES TO CHOOSE FROM: WEDNESDAY, JANUARY 15, 2014; WEDNESDAY, JANUARY 22ND, 2014; MONDAY, JANUARY 27, 2014 AND WEDNESDAY, JANUARY 29, 2014.)**

Motion Made By: Council member Abrego

Seconded By: Mayor Pro Tem Hyatt

Votes: Aye – Abrego, Hyatt, Ellis, Gomez, Chapa

Nay:

Discussion:

Motion was made to hold a Capital Improvement Planning workshop on Thursday, January 16 at 6:30 p.m. and the motion carried unanimously.

15. **CONSIDER AND ACT ON REMOVAL OF 4,000 TONS OF ASPHALT ROOFING SHINGLES BY ALAMO RECYCLE OF SAN ANTONIO, LLC FOR A ONE-TIME PAYMENT OF \$24,600.**

Motion Made By: Mayor Pro Tem Hyatt
Seconded By: Council member Ellis
Votes: Aye – Abrego, Hyatt, Ellis, Gomez, Chapa
Nay:

Discussion:

City Manager Carrillo explained that the City would be working with Alamo Recycle of San Antonio to remove the shingles at the City brush site. The recycle company is seeing a shortage in shingles and has done a periphery review of the site. Shingle debris laced with asbestos would require mitigation. Removal of the shingles would probably be spread over several fiscal years. Motion was made to approve the removal of 4,000 tons of asphalt roofing shingles by Alamo Recycle of San Antonio, LLC for a one-time payment of \$24,600 and the motion carried unanimously.

16. **CONSIDER AND ACT ON APPOINTING MS. BRENDA MCELWEE AS AUDITOR FOR THE CITY OF ARANSAS PASS' FISCAL YEAR ENDING 2012-2013.**

Motion Made By: Council member Abrego
Seconded By: Council member Gomez
Votes: Aye – Abrego, Hyatt, Ellis, Gomez
Nay: Chapa

Discussion:

City Manager Carrillo stated the item was of particular importance and that she recommended Brenda McElwee, who is currently working on a project for the Aquatic Center. Two outside auditors were considered who specialized in municipalities in financial duress but the City was working within a limited time frame.

Mayor Chapa asked if her appointment would be a conflict of interest given her husband's former tenure on the City Council. Council member Abrego stated that she understood the Mayor's concern. Mayor Chapa added that he would like to see more variety in the number of recommended auditors. City Manager Carrillo stated that it was critical that an auditor be chosen to meet financial deadlines required of the City.

Motion was made to take the recommendation of the City Manager to appoint Ms. Brenda McElwee as auditor for the City of Aransas Pass' fiscal year ending 2012-2013 and the motion carried with a 4-1 vote.

17. **CONSIDER AND ACT ON A RESOLUTION CREATING A POLICY FOR LIMITATIONS OF THE USE OF HOTEL OCCUPANCY TAX (HOT) FUNDS.**

Motion Made By: Council member Gomez
Seconded By: Council member Ellis
Votes: Aye – Hyatt, Ellis, Gomez
Nay: Chapa
Abstain: Abrego

Discussion:

City Manager Carrillo

Motion was made to leave the policy as is. The motion carried with a 3-2 vote with Council member Abrego abstaining and Mayor Chapa voting nay.

18. **CITIZENS' COMMENTS**

Name: Polly Mirkovich
Address:
Concern: Garbage pickup

Departments Affected: Solid waste/utility

Discussion:

Mrs. Mirkovich stated that she wanted to commend Republic Services on their services that have really improved.

Name: Mayor Adan Chapa

Address:

Concern:

Departments Affected:

Discussion:

The Mayor wished everyone Merry Christmas.

19. **CITY MANAGER UPDATES: DEMOLITION OF CITY BUILDING LOCATED AT 820 W. WHEELER.**

City Manager Carrillo stated the asbestos removal survey came in at \$6,500.00 for the city building located at 820 W. Wheeler. She stated asbestos would need to be removed before demolition could begin. She stated renovations to the water tanks are under way. She stated the school mascot (panther) would be painted on the elevated water tank but would like to see the city logo on one of the ground storage tanks.

20. **RECESS SPECIAL MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

A. Section 551.072 – Deliberations Regarding Real Property – Conn Brown Harbor - Texas
A&M Research

B. Section 551.072 – Deliberations Regarding Real Property – Conn Brown Harbor – Harbor
Shrimp Company

C. Section 551.071 - Consultation with City Attorney – Legal Matters – Volunteer Fire
Department

D. Section 551.071 – Consultation with City Attorney – Legal Matters – Naismith
Reconciliation Update/Completion

Mayor Chapa recessed the Open Meeting and retired into executive session at 8:32 PM.

21. **RECONVENE IN OPEN MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Mayor Chapa reconvened in Open Meeting at 9:33 PM.

A. Section 551.072 – Deliberations Regarding Real Property – Conn Brown Harbor - Texas
A&M Research

Motion Made By: Mayor Pro Tem Hyatt

Seconded By: Council member Abrego

Votes: Aye Hyatt, Abrego, Gomez, Ellis

Nay:

Authorize letter of Support

B. Section 551.072 – Deliberations Regarding Real Property – Conn Brown Harbor – Harbor
Shrimp Company

Motion Made By: Mayor Pro Tem Hyatt

Seconded By: Council member Ellis

Votes: Aye Hyatt, Ellis, Gomez, Abrego

Nay:

Approve a lease for Harbor Shrimp Company.

C. Section 551.071 - Consultation with City Attorney – Legal Matters – Volunteer Fire
Department

Motion Made By: Council member Ellis

Seconded By: Council member Abrego
Votes: Aye Ellis, Abrego, Hyatt, Gomez
Nay:

Resolution dissolving Volunteer Fire Department.

D. Section 551.071 – Consultation with City Attorney – Legal Matters – Naismith
Reconciliation Update/Completion

Motion Made By: Mayor Pro Tem Hyatt
Seconded By: Council member Abrego
Votes: Aye Hyatt, Abrego, Gomez, Ellis
Nay:

Discussion: Authorize city manager to continue negotiations with Naismith Engineering.

22. **ADJOURNMENT OF MEETING.**

Motion made by: Council member Abrego
Seconded by: Mayor Pro Tem Hyatt
Aye: Abrego, Hyatt, Gomez, Ellis
Nay:

Mayor Chapa adjourned the meeting at 9:36 PM

Adan Chapa, Mayor

Yvonne Stonebraker, City Secretary